

Serial No.: 10/825,138 Confirmation No. 7974
Applicant: Michael Owen WHITING
Filed: April 16, 2004
Art Unit: 3746
Title: FORCED AIR COOLING SYSTEM
Examiner: Kim, Tae Jun

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**STATEMENT OF FACTS ACCOMPANYING
PETITION UNDER 1.137(b)**

Sir:

Applicants are providing the following statement of facts accompanying the petition under 1.137(b) for the above-referenced application:

- (1) A first Notice of Allowance was issued in this case and mailed on May 2, 2006;
- (2) On August 2, 2006, in response to this first Notice of Allowance, the agents of record of the above-referenced application, namely those practitioners at Ogilvy Renault LLP listed under Customer No. 32292 (hereinafter, the "Agents"), submitted the payment of the issue and publication fees (\$1700), along with a form PTO/SB/122 to change the correspondence address to that of the Assignee of the above application, PRATT & WHITNEY CANADA CORP. (the "Assignee");
- (3) On September 26, 2006, the Agents submitted a Petition under 37 CFR 1.313(c) to withdraw the application from issue, together with a RCE, so as to be able to enter an amendment which was previously refused as an Amendment After Allowance;
- (4) On September 27, 2006, said petition was granted and the decision thereof was mailed to the Assignee, with a courtesy copy thereof mailed to the Agents. The correspondence address was however not changed, and thus remained that of the Assignee;

(5) A second Notice of Allowance was mailed October 31, 2006 to the Assignee, providing for a deadline of January 31, 2007 to pay the issue fee;

(6) Said second Notice of Allowance was forwarded by the Assignee to the Agents on January 25, 2007;

(7) Upon receipt of the second Notice of Allowance, a paper docket entry form was prepared and then signed by T. James Reid, Reg. No. 56,498, in accordance with the standard office practice of the Agents, such as to manually enter the January 31, 2007 issue fee payment deadline into the docketing system of the Agents;

(8) Following standard procedures used by the Agents for manually docketing new deadlines, said paper docket entry form, once approved by T. James Reid, was manually delivered to the docket entry clerks in the file management departments, where deadlines from paper docket entry forms are manually entered into an electronic docketing system;

(9) Said paper docket entry form, containing the request for entry of the January 31, 2007 issue fee deadline, was however lost in internal mail transit and as such never reached the docket entry clerk, and thus was never entered into the electronic docketing system of the Agents;

(10) The January 31, 2007 deadline for submission of the issue fee payment was therefore missed, having never been entered into the electronic docketing system of the Agents;

(11) Only upon a review of the file by the assistant of T. James Reid on February 1, 2007, was it discovered that, although the file included a record that a deadline of January 31, 2007 was to have been manually entered, no such deadline had ever appeared on the list of deadlines produced by the electronic docketing system of the Agents; and

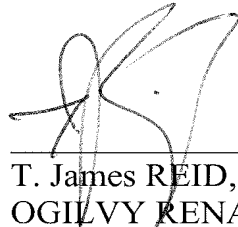
(12) Accordingly, the January 31, 2007 deadline for submission of the issue fee, in response to the second Notice of Allowance dated October 31, 2006, was

missed, possibly resulting in the unintentional abandonment of the above-referenced application.

The undersigned, T. James Reid, declares that all of the information contained in the present Statement of Facts is true and accurate to the best of his knowledge.

February 12, 2007

Date

A handwritten signature in black ink, appearing to be 'T. James Reid', written over a horizontal line.

T. James REID, Reg. No. 56,498

OGILVY RENAULT, LLP

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